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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,906	04/08/2004	Andrew J. Griffin	6098.102US	8849

7590 03/20/2007  
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EXAMINER
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BHARADWAJ, KALPANA

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/820,906

Applicant(s)

GRIFFIS ET AL.

Examiner

Bharadwaj Kalpana

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-31 are objected to because of the following informalities:
  - a. All claims must start with capital letters. Claim 1 starts with a lower case.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 16-19 and 22-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez (USPN 6,697,103 B1, referred to as **Fernandez**).

As to **claim 1**, Fernandez discloses a system for use in managing activity of interest within an enterprise, comprising a computer configured to

(i) receive sensor data (**Fernandez**, C 06 L 31: sensor unit to send and/or receive object data) that is related to key activity (**Fernandez**, C 09 L 30: scheduled object activity) to the enterprise (**Fernandez**, C 02 L 13: object may represent virtual grouping or enterprise), such sensor data comprising data that is taken in by a sensor at

a predetermined location (**Fernandez**, C 03 L 60-65: sensors are installed at fixed physical sites or locations) irrespective of object compliance and such key activity comprising an object, and the state of activity for the object (**Fernandez**, C 09 L 30: object activity) with respect to the state of activity for other physically distinct objects in the sensor data, and

(ii) process the sensor data to produce output that is related to key activity (**Fernandez**, C 01 L 08: object attribute processing) to the enterprise.

As to **claim 2**, Fernandez discloses a system as set forth in claim 1, wherein the computer is further configured to correlate combinations of past and present sensor data and key activity to the enterprise (**Fernandez**, C 14 L28: record and analyze actual past or current demand, wants and needs, according to user object sets) and the output includes feedback (**Fernandez**, C 19 L 40: monitorable human or animal activity; **EN**: monitoring human activity is done by real time feedback) data based on the correlation (**Fernandez**, C 05 L 67: correlate movement activity).

As to **claims 3 and 7**, Fernandez discloses a system as defined in claim 2 (claim 1) wherein the object comprises (**Fernandez**, C 02 L 13: objects could include any moveable physical item) an animate object (**Fernandez**, C 01 L 35: moveable objects).

As to **claims 4 and 8**, Fernandez discloses a system as defined in claim 3 (claim 7), wherein the animate object is taken from a group comprising humans, machines,

Art Unit: 2109

animals, creatures (**Fernandez**, C 02 L 16: person, animal) and combinations of the foregoing (**Fernandez**, C 19 L 40: monitorable human or animal activity).

As to **claims 5 and 9**, Fernandez discloses a system as defined in claim 2 (claim 1) wherein the object comprises an inanimate object (**Fernandez**, C 19 L 37: streets, highways, bridges, buildings, restrooms).

As to **claims 6 and 10**, Fernandez discloses a system as defined in claim 5 (claim 9), wherein the inanimate object is taken from a group comprising natural objects, man-made objects, machine-like objects and combinations of the foregoing (**Fernandez**, C 19 L 37: streets, highways, bridges, buildings, restrooms).

As to **claims 16 and 17**, Fernandez discloses a system as set forth in claim 1 (claim 2), wherein the output comprises a report related to key activity to the enterprise (**Fernandez**, C 06 L 03: provide data reporting).

As to **claims 18 and 19**, Fernandez discloses a system as set forth in claim 1 (claim 2), wherein the system is configured to encrypt sensor data (**Fernandez**, C 13 L 26: public or private key encryption scheme) transmitted to the computer.

As to **claims 22 and 23**, Fernandez discloses a system as set forth in claim 1, wherein the output comprises a message (**Fernandez**, C 11 L01: messages) that is

Art Unit: 2109

configured for communication to a device that is external to the system (**Fernandez**, C 10 L 62: communications module).

As to **claims 24 and 25**, Fernandez discloses a system as set forth in claim 1, wherein the computer comprises multiple computing components distributed across the system (**Fernandez**, C 05 L 31: distributed client-server).

As to **claims 26 and 27**, A system as set forth in claim 1, wherein the output comprises a message (**Fernandez**, C 11 L01: messages) that is configured for communication to an external device using wireless communication (**Fernandez**, C 02 L 43: wireless network access).

As to **claims 28 and 29**, Fernandez discloses a system as set forth in claim 1, wherein the output is accessible externally by a portable computing device (**Fernandez**, C 08 L 02: rugged portable device).

As to **claims 30 and 31**, Fernandez discloses a system as set forth in claim 1, wherein the output is accessible externally by a nonportable computing device (**Fernandez**, C 01 L 07: integrated fixed network; **EN**: an integrated fixed network would be supporting a non-portable device).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-15, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez.

As to **claims 11 and 12**, Fernandez teaches a system as set forth in claim 1, wherein the system is configured for sensor data archival (**Fernandez**, C 18 L 02: provides accessible archive for subsequent processing) but fails to teach compressing the sensor data. However, it would be obvious to one skilled in the art at the time the invention was made that data be compressed for archival because it saves space.

As to **claim 13**, Fernandez teaches a system as set forth in claim 2, wherein the computer includes data structure (**Fernandez**, C 11 L 17: Data structures) that identify key activity to the enterprise. Fernandez does not teach how the feedback data can be used to alter the data structure that identifies key activity to the enterprise.

However, it would be obvious to one skilled in the art at the time the invention was made to have seen that if objects are monitored (**Fernandez**, C 11 L 26: monitored object) then the data structures must be altered continuously with feedback in order to

restrict or expand surveillance scope (**Fernandez**, C 11 L 46: restrict or expand surveillance scope) .

As to **claims 14 and 15**, Fernandez teaches a system as set forth in claim 1 (claim 2), wherein the sensor data related to the object can be stored (**Fernandez**, C 01 L 43: object database). Fernandez does not teach storing the object data separately from other sensor data. However, it would be obvious to one skilled in the art at the time the invention was made to have seen how a store-and-forwarded (**Fernandez**, C 06 L32: store-and-forwarded) object data would benefit from storing the two separately, because this would reduce the complexity of sifting through the other sensor data every time an object data has to be searched.

As to **claims 20 and 21**, Fernandez teaches a system as set forth in claim 1 (claim 2), wherein the system is configured to encrypt (**Fernandez**, C 13 L 26: public or private key encryption scheme), but does not teach encryption of the output. However, it would be obvious to one skilled in the art at the time the invention was made to have encrypted the output using the encryption scheme for sensor data as shown by Fernandez, because a secure output would protect the security or privacy of data.

### ***Examinations Considerations***

2. Examiner's Notes (**EN**) are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art



Art Unit: 2109

and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure –

a. Sorvari, USPN 20040043758, cited for managing context sensitive activities with sensor data.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharadwaj Kalpana whose telephone number is (571) 270-1641. The examiner can normally be reached on Monday-Friday 7:30am 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wu Xiao can be reached on (571) 272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2109

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KB

Mar 05, 07



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SUPERVISORY PATENT EXAMINER